

from said axis to provide lateral stability and traction through the plane of a golf swing.

29. The golf shoe cleat defined in Claim 28 wherein said traction teeth are pseudo pyramid-shaped.

30. A golf shoe cleat comprising a body member having an inner face and an outer face, a shoe-attaching member projecting perpendicularly outwardly from said inner face and said shoe-attaching member having an axis AL and adapted to secure said cleat in a receptacle in said golf shoe upon rotation of said shoe mounting member in said receptacle,

a plurality of low-profile traction teeth projecting around the perimeter of the outer face of said main body member, each traction tooth having an outer traction surface facing away from said axis AL, said outer surface having an outward angulation relative to said axis AL to enhance lateral stability and traction through the plane of a golf swing. --

R E M A R K S

Claim 2 has been amended to make it an independent claim, and Claims 2, 5, 10 are resubmitted in unamended form in light of the following discussion. New Claims 22 - 30 correspond to Claims 1,

2, 6, 9, 10, 15, 16 and 21, respectively, with various amendments to these claims.

In entering a new rejection of claims directed to applicant's anti-debris ring, the Examiner has gone well beyond the questions raised in the Board's remand. It is respectfully submitted that under the MPEP, Section 1214.04 and 1214.06, the Examiner has no authority to enter or make new grounds of rejection in regards to appealed claims directed to applicant's anti-debris ring, namely, Claims 2, 5 and 10. These claims therefore should be deemed allowable.

The Examiner may recall the interview (April 27, 1999) and the discussion had with the inventor and the amendment language suggested by the Examiner with regard to the language that each traction tooth have an outer traction surface which angle outwardly. This language has now been amended slightly in new Claims 22 - 30 to specify that each traction tooth has an outer traction surface facing away from the axis and that each outer traction surface has an outward angulation relative to the axis AL to provide lateral stability and enhanced traction through the plane of a golf swing.

The rejection of Claims 1, 15, 16 and 21 under 35 U.S.C. §102(b) as being anticipated by Bouyer (French Patent 2679421) is respectfully traversed. Bouyer Figures 1 and 2 are reproduced as follows:

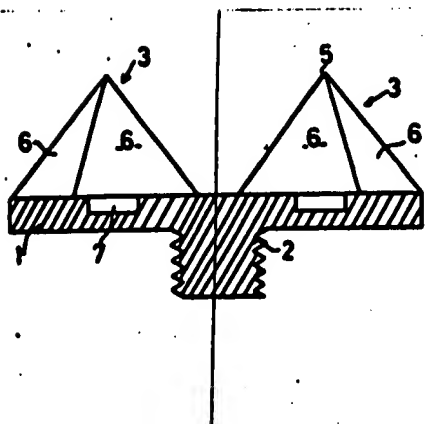


FIG 1

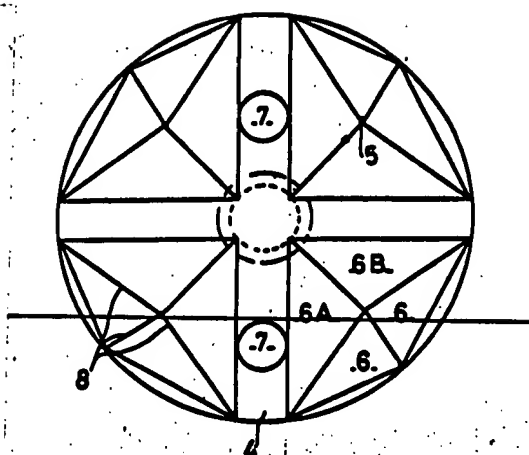


FIG 2

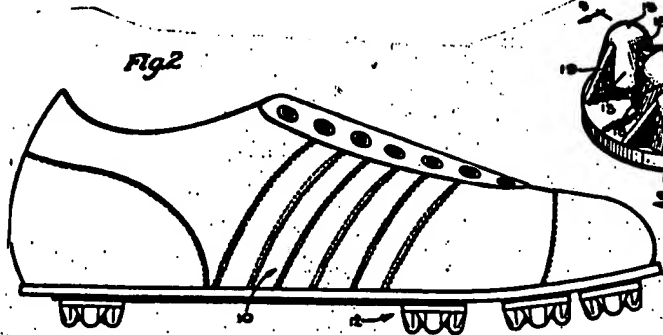


Fig 4

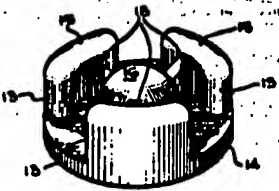
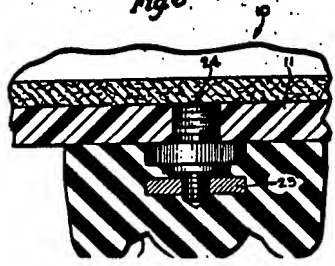


Fig 6



and, clearly, none of Bouyer's traction teeth have an outer traction surface facing away from said axis AL, and with each traction surface having an outward angulation relative to the axis AL to provide lateral stability and enhanced traction throughout the plane of a golf swing as required by Claims 22, 24, 28 and 30 (formerly Claims 1, 15, 16 and 21). This language also appears in independent Claim 24, and surfaces 6A and 6B of Bouyer do not face away from the axis of the mounting member.

The rejection of Claims 1, 15, 21 under 35 U.S.C. §102(b) as being anticipated by Wilson (US 3,656,245) is respectfully traversed. The Examiner contends that the webs 18 of Wilson constitutes the outer traction surface. Manifestly, this is not the case. As stated at column 2, lines 45 et seq:

The lateral projections 13 preferably are each joined to the central projection 16 by means of web 18 for purposes to be discussed hereinafter. Further, each of the lateral projections 13 may be reinforced by longitudinally extending reinforcing gussets 19 which may be conveniently integrally formed with the base 14 and which converge toward the tip 15 of each projection.

Figures 2, 3, 4 and 6 of Wilson are reproduced on the preceding page and manifestly, as shown in Figure 2, the teeth or projections 13 project in a vertical direction. They do not angle outwardly and do not have outward surfaces facing away from central axis.

At stated at column 4, lines 3 et seq, Wilson's:

...webs 18 also serve the function of interconnecting the concentrically arrayed projections with the central projection thereby strengthening both the individual projections and the cleat itself.

The (unauthorized) rejection of Claims 2, 5 and 9 under 35 U.S.C. §103 as being unpatentable Bouyer or Wilson in view of Kelly (US 5,321,901) or Jordan (US 4,014,114) is respectfully traversed.

Applicant reiterates that rejections that go beyond Board-raised questions are untenable.

It has been shown above that neither Wilson nor Bouyer anticipates or makes obvious the outward angulation defined in all of the claims.

Neither Kelly nor Jordan augment this disclosure. Claims 2 and 5 relate to the anti-debris ring formed integrally with the body of the member and projecting from the inner face. The anti-debris ring tends to prevent the edge of the cleat from separating from soles of the golf shoes thereby precluding the entry of debris and trapping of same therein. At the same time, when the cleat is "snugged down", it causes the ring to more tightly hug the sole, thereby further precluding the entry of debris. Kelly's rim 24, the purpose of which is not disclosed, appears to butt against annular anchoring flange 4. Jordan's track shoe cleat's rim 7 provides a clamping surface to provide frictional resistance to the distance from the screw axis to provide a large amount of resistance to external turning (e.g. the same purpose as applicant's thread fillets). Jordan only speaks of resisting dirt or other foreign matter accumulation between the spikes.

The rejection of Claims 6 and 10 (now Claims 25 and 27) as being unpatentable over Bouyer or Wilson in view of either Kelly or

Jordan further in view of Johnson or Kataoka (US 5,321,913) is respectfully traversed.

As has been demonstrated above neither Bouyer nor Wilson discloses, teaches or suggests the outward angulation of the teeth as claimed. Kelly and Jordan neither teach nor suggest the anti-debris ring as discussed immediately above. Neither Kataoka nor Johnson relate to golf shoe cleats -- both relate to the entire sole configurations of which only a selected tooth merely approaches pseudo-pyramidal shape. No prior art golf shoe cleat has applicant's tooth shape resulting in the outward tooth angulation.

The rejection of Claim 16 (now Claim 29) as being unpatentable over Wilson or Bouyer in view of either Johnson or Kataoka is respectfully traversed.

Again, applicant has demonstrated that neither Wilson nor Bouyer discloses, teaches or suggests outward teeth angulation as defined in applicant's claims. The selection of bits and pieces of these references and attempting to attribute applicant's functions to them is not the stuff that obviousness is made of. Neither Johnson nor Kataoka teaches the traction teeth are pseudo-pyramidal shaped in a golf shoe cleat. Note that applicant's traction teeth are circularly spaced around the perimeter of a cleat that is rotated in a mounting receptacle which is not the case with these references. To impart them some reasonable semblance of

applicant's cleat construction, the Examiner must rely on heavy-duty hindsight reconstructing of the references.

The rejection of Claims 1, 15 and 21 under 35 U.S.C. §103(a) as being unpatentable over Softspikes (A Unique Holiday Offer article) or Bouyer in view of either Howard (US 2,095,095) or Matulla (German Patent 3,811,513) is respectfully traversed.

Initially, applicant observes that the contention regarding Bouyer's disclosure being "substantially as claimed except for the perimeter traction teeth being angled outwardly" is inconsistent with the rejection made of these claims under 35 U.S.C. §102. Nevertheless, applicant respectfully submits that neither the Softspikes article nor Bouyer teaches or suggests the combination proposed by the Examiner. In like manner, neither Howard nor Matulla teaches the invention defined by the claims or teaches the combination suggested by the Examiner. In Howard, there is no circular array of low-profile traction teeth projecting outwardly around the perimeter of the outer face, each traction tooth having an outer traction surface facing away from rotation axis AL, each outer traction surface having an outward angulation relative to said axis AL to provide lateral stability and enhanced traction through the plane of the golf swing. Each of Howard's cleats has a single extension spike or calk 17 "which may be outwardly directed, as illustrated, at right angles to the plane of the sole, or inwardly directed. Clearly, this is not the same as or equivalent to applicant's circular array of teeth. To impart the

angularity of Howard's spike to the series of points of Bouyer or to the protuberances of the Softspikes article is to use hindsight in the reconstructing of these references solely to meet applicant's claim language and does not flow naturally from what is taught by these references.

Matulla provides a football boot screw body of flexible shaping which has two or more stud bosses mounted thereon which have outer surfaces which are parallel to the central axis through the threaded mounting member.

In regards to applicant's teeth angulation, note that, as the cleat is rotated in the mounting socket, there are always teeth angled outwardly in the direction facing away from the central axis AL. This is not the case with any of the references cited by the Examiner.

The rejection of Claims 2, 5 and 9 under 35 U.S.C. §103(a) as being unpatentable over Softspikes or Bouyer in view of Howard or Matulla further in view of Kelly or Jordan is respectfully traversed. Applicant again urges that the Examiner has gone beyond her remand authority. Nevertheless, as discussed above, neither Softspikes nor Bouyer as modified by Howard and Matulla teaches or suggests applicant's cleat as defined by the claims now numbered 22, 28 and 30. Neither Kelly nor Jordan discloses or teaches applicant's anti-debris ring for the reasons given earlier herein.

The rejection of Claims 6 and 10 under 35 U.S.C. §103(a) as being unpatentable over the Softspikes article as modified by

Howard or Matulla, further modified by Kelly or Jordan, further modified by Johnson or Kataoka is respectfully traversed. Claim 6 (and new Claim 25) and Claim 10 and (new Claim 27) recite that the teeth are pseudo-pyramidal shaped. Both Johnson and Kataoka require their teeth to be parts of a sole of a shoe and, moreover, their teeth are oriented in particular directions relative to the direction of orientation of the shoe sole (in Kataoka, the arrow "fore" indicating the forward direction of the shoe and likewise in connection with Johnson). These do not teach or suggest a circular array of these teeth in a manner defined in applicant's claims.

Finally, the rejection of Claims 16 under 35 U.S.C. §103(a) as being unpatentable over Bouyer or Softspikes as modified by Howard or Matulla further in view of Johnson or Kataoka is respectfully traversed. As demonstrated above, neither Johnson nor Kataoka teaches shaping their teeth relative to the direction of orientation of the sole of an athletic shoe and do not teach anything about the shaping of teeth which are mounted in circular arrays.

In summary, applicant submits that the Examiner has exceeded her authority regarding Claims 2, 6 and 10. Further, applicant has demonstrated that the multiple rejections made by the Examiner are not based on what the prior art teaches but is based on hindsight restructuring of the art.

In view thereof, further and favorable reconsideration is respectfully requested.

Respectfully submitted,



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Attachment: Version with Markings to Show Changes Made

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In the event this paper is deemed not timely filed, the applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 26-0090 along with any other additional fees which may be required with respect to this paper.

IN THE CLAIMS:

Claim 2 has been amended as follows:

Claim 2: (Three times amended) [The cleat defined in Claim
1] A golf shoe cleat comprising a body member having an outer face
and an inner face, shoe mounting member having an axis AL which is
perpendicular to said inner face and projecting outwardly from said
5 inner face and adapted to secure said cleat in a receptacle in said
golf shoe upon rotation of said shoe mounting member in said
receptacle,

a plurality of shaped traction teeth projecting outwardly
around the perimeter of said outer face, each traction tooth having
10 an outer traction surface, each outer traction tooth surface having
an outward angulation relative to said axis AL to provide lateral
stability and enhanced traction through the plane of a golf swing
and wherein said inner face has a peripheral edge spaced from said
shoe mounting member and an anti-debris ring formed integrally with
15 said body member and projecting from said inner face.